

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Sri M.A.Mannan Farooqui, Assistant Section Officer, Law Department - Departmental proceedings under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Articles of Charges - Issued.

LAW (M.I) DEPARTMENT

G.O.Rt.No. 2008

Date:18-11-2010
Read the following:

1. G.O.Rt. No.466, Law (M.II) Department, dated 13-03-2007.
2. Memo.No.1636/LSP/120/M.II/07-08-1, Law (M.II) Department, dated 13-03-2008.
3. Memo.No.1636/LSP/120/M.II/07-08-2, Law (M.II) Department, dated 14-05-2008.
4. Memo.No.1636/LSP/120/M.II/07-08-3, Law (M.II) Department, dated 13-06-2008.
5. Memo.No.1636/LSP/120/M.II/07-08-4, Law (M.II) Department, dated 21-10-2008.
6. Memo.No.1636/LSP/120/M.II/07-08-5, Law (M.II) Department, dated 16-02-2009.
7. Memo.No.1636/LSP/120/M.II/07-08-6, Law (M.II) Department, dated 02-07-2009.

ORDER:

It is proposed to hold an inquiry against Sri M.A.Mannan Farooqui, Assistant Section Officer, Law Department in accordance with the procedure laid down in rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A statement of imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, the articles of charge are proposed to be sustained are also enclosed (Annexure III).

3. Sri M.A.Mannan Farooqui, Assistant Section Officer, Law Department is directed to submit within 10 days of the receipt of this order, a written statement of his defence.

4. Sri M.A.Mannan Farooqui, Assistant Section Officer, Law Department is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri M.A.Mannan Farooqui, Assistant Section Officer, Law Department is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above or otherwise fails or refuses to comply with the provisions of rule 20 of Andhra Pradesh Civil Services (CCA) Rules, 1991 or the orders/directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex parte.

6. Attention of Sri M.A.Mannan Farooqui, Assistant Section Officer, Law Department is invited to Rule 24 of the A.P.Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings it will be presumed that Sri M.A.Mannan Farooqui, Assistant Section Officer, Law Department is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of rule 24 of the A.P.Civil Service (Conduct) Rules, 1964.

7. The receipt of this order be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A. SHANKAR NARAYANA
SECRETARY TO GOVERNMENT,
LEGAL AFFAIRS (FAC).

To
Sri M.A.Mannan Farooqui, Assistant Section Officer,
Law Department. (w.es)
Law (M.II) Department.
S/f & S/c.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE - I

Statement of articles of charge framed against Sri M.A.Mannan Farooqui, Assistant Section Officer, Law Department.

Article No.1 : That Sri M.A.Mannan Farooqui, Assistant Section Officer, Law Department has applied for sanction of House Building Advance for purchase of Ready Built House through his application dated 31-07-2007 to purchase a Ready Built House No.19-2-21/11/E/33 situated at Maruti Nagar, Kale Pather, Hyderabad from the vendor Mrs. Batool Begum, W/o. late M.A.Siddiq, R/o. H.No.20-3-122/17/C, Doodh Bowli, Hyderabad and he was sanctioned an amount of Rs.4,00,000/- (Rupees four lakhs only) to purchase the said house with certain conditions as laid down in G.O.Rt.No.466, Law, dated 13-03-2007. As per condition in para 2(ii) of G.O.Rt.No.466, Law, dated 13-03-2007 the house purchased should be mortgaged to the Government within (3) months from the date of drawal/ payment of the advance failing which the entire amount together with interest thereon shall be refunded to Government forthwith. The amount was drawn and paid to him on 26-3-2007. But he neither mortgaged the house in favour of the Government till now nor refunded the loan amount together with interest thereon. Hence the charge.

Article No. II : That rule 3 (1) & (2) of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 requires among other things that every Government employee shall maintain absolute integrity, discipline and shall not behave in a manner which is unbecoming of such employee or derogatory to the prestige of Government. Sri M.A.Mannan Farooqui, Assistant Section Officer, Law Department has ignored several opportunities given to him by the Government from time to time for fulfilling the conditions laid down in G.O.Rt.No.466, Law, dated 13-03-2007. He willfully disobeyed the instructions of the Government and thereby he violated rule 3 (1) & (2) of the Andhra Pradesh Civil Services (Conduct) Rules, 1964. Hence the charge.

SECTION OFFICER

ANNEXURE - II

Statement of imputations of misconduct or misbehaviour in support of the Articles of charge framed against Sri M.A.Mannan Farooqui, Assistant Section Officer, Law Department.

Article-I

In G.O.Rt.No.466, Law, dated 13-03-2007, Sri M.A.Mannan Farooqui, Assistant Section Officer, Law Department was sanctioned House Building Advance of Rs.4,00,000/- (Rupees four lakhs only) to purchase a ready built house with a condition in Para 2(ii) of G.O.Rt.No.466, Law, dated 13-03-2007 that the house so purchased should be mortgaged to the Government within three (3) months from the date of drawal / payment of the advance failing which the entire amount together with interest thereon shall be refunded to Government forthwith. The amount was drawn and paid to him on 26-3-2007. But he has not mortgaged the house in favour of the Government within the stipulated period of three (3) months, from the date of drawal of Advance. In Memo.No.1636/LSP/120/M.II/07-08-1, Law (M.II) Department, dated 13-03-2008, he was directed to refund the said Advance drawn with interest / penal interest accrued thereon at once to the Government since he has not complied with the conditions. As he has not given any reply or refunded the amount, he was issued show cause notice dated 14-5-2008 directing him to explain as to why disciplinary action should not be taken against him for his disobedience in the matter. In response to the said show cause notice, he has stated that he was not in a position to refund the said amount as ordered in Govt. Memo. dated 13-3-2008 and further stated that he will complete the said transaction within a short span of time and he is ready to pay the penal interest for the period of non-fulfillment of the condition of the H.B.A sanctioned to him and requested to drop further action against him in the matter. Subsequently, as per the advice of Finance Department he was issued a Memo. dated 13-6-2008 wherein he was directed to complete the formalities towards the House Building Advance (Ready Built) of Rs. 4,00,000/- sanctioned to him within three (3) months from the date of issue of said Memo. and if he is not able to complete the said formalities within the above stipulated extended period, he should refund the full amount of the Advance drawn including the interest and penal interest accrued thereon to the Government. Further he was issued a Memo. dated 21-10-2008 directing him to refund the House Building Advance (Ready Built) of Rs.4,00,000/- (Rupees four lakhs only) with interest and penal interest accrued thereon to the Government within a period of (15) days from the date of receipt of the said Memo. As the individual has committed fraud, a Memo dated 16-02-2009 was issued to him finally directing him to refund the House Building Advance (Ready Built) of Rs.4,00,000/- (Rupees four lakhs only) with interest and penal interest to the Government within a period of (10) days from the date of receipt of the said Memo and if he is not refund the said amount within the stipulated period, necessary action shall be taken against him under the relevant Rules. Further, a final notice on 2-7-2009 was issued to him directing him to refund the House Building Advance (Ready Built) of Rs.4,00,000/- (Rupees four lakhs only)

sanctioned to him with interest and penal interest accrued thereon to the Government within a period of (10) days from the date of receipt of the said Memo as a final opportunity. Thus, inspite of several opportunities given to him, he neither mortgaged the property nor refunded the House Building Advance drawn by him. Therefore, he has committed fraud and disobeyed the instructions of the Government issued from time to time. Rule 12 (b) of the Andhra Pradesh House Building Advance Rules among other things specifies that the Head of the Department should ensure that suitable disciplinary action is taken as per the Andhra Pradesh Civil Services (Classification, Control and Appeal Rules, 1991 against the defaulters to purchase ready built house / flat etc. within the time limit prescribed in the Rules besides levying penal interest and instituting summary recovery proceedings for the outstanding amount of advance, together with the interest / penal interest if any.

Article-II

Sri M.A.Mannan Farooqui, Assistant Section Officer, Law Department was sanctioned House Building Advance of Rs. 4,00,000/- (Rupees four lakhs only) to purchase a ready built house with a condition that the house purchased should be mortgaged to the Government within three (3) months from the date of drawal / payment of the Advance, failing which the entire loan amount together with interest / penal interest accrued thereon shall be refunded to the Government forthwith vide G.O.Rt.No.466, Law, dated 13-03-2007. The amount was drawn and paid to him on 26-3-2007. But, he has not mortgaged the house in favour of the Government within the stipulated period of three (3) months, from the date of drawal of Advance. He was given several opportunities to mortgage the property or else refund the sanctioned amount of Rupees four lakhs with interest / penal interest accrued thereon. But, he neither mortgaged the property nor refunded the House Building Advance drawn by him. Thus, he recklessly defied the instructions of the Government which shows his willful disobedience to the instructions of the Government and therefore he has violated rule 3(1) & (2) of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

SECTION OFFICER

ANNEXURE - III

**List of documents by which the Articles of charge framed against
Sri M.A.Mannan Farooqui, Assistant Section Officer, Law Department are
proposed to be sustained.**

1. G.O.Rt. No.466, Law (M.II) Department, dated 13-03-2007.
2. Memo.No.1636/LSP/120/M.II/07-08-1, Law (M.II) Department, dated 13-03-2008.
3. Memo.No.1636/LSP/120/M.II/07-08-2, Law (M.II) Department, dated 14-05-2008.
4. Memo.No.1636/LSP/120/M.II/07-08-3, Law (M.II) Department, dated 13-06-2008.
5. Memo.No.1636/LSP/120/M.II/07-08-4, Law (M.II) Department, dated 21-10-2008.
6. Memo.No.1636/LSP/120/M.II/07-08-5, Law (M.II) Department, dated 16-02-2009.
7. Memo.No.1636/LSP/120/M.II/07-08-6, Law (M.II) Department, dated 02-07-2009.

SECTION OFFICER